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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 UNITED STATES OF AMERICA, CR S-02-0151-MCE-CMK

10 Plaintiff,

11 vs. ORDER

12 SCOTT MICHAEL VOGELSANG,

13 Defendant.

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15 Pending before the court is defendant's motion for issuance of a certificate of appealability
16 (ECF No. 268). Specifically, defendant seeks to appeal the court's January 14, 2011, order
17 denying his motion to set aside the judgment under Federal Rule of Civil Procedure 60. Because
18 a certificate of appealability is not required to appeal the denial of a Rule 60 motion in a criminal
19 case, and because the docket reflects that defendant has already filed an appeal of the January 14,
20 2011, order (See ECF No. 265), the request for a certificate of appealability is denied as
21 unnecessary.

22 IT IS SO ORDERED.

23 Dated: March 21, 2011

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE